U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza

March 1, 2016

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~~**EX PARTE & UNDER SEAL**~~

By Email

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Trevon Gross,
S2 15 Cr. 769 (AJN)

Dear Judge Nathan:

As the Court is aware, the next pretrial conference in this matter is presently scheduled for Friday, March 4, 2016 at 2:30 PM. The Government respectfully submits this letter *ex parte* and under seal to advise that Court that earlier today, a grand jury returned the above-referenced sealed superseding indictment (the "S2 Indictment"). A copy of the S2 Indictment is separately attached for the Court's reference.

Count Five of the S2 Indictment charges Trevon Gross with bank bribery, in violation of 18 U.S.C. § 215(a)(2); the S2 Indictment includes the previously returned counts against Anthony Murgio and Yuri Lebedev, but adds no new charges against those defendants. Although Gross is not currently aware of the S2 Indictment, based on earlier conversations with Gross's counsel, it is the Government's intention to permit Gross to self-surrender to be presented and arraigned on the S2 Indictment (Gross was not previously charged by complaint).

Accordingly, the Government writes to inquire whether the Court would prefer to have Gross's presentment, arraignment, and bail determination occur before Magistrate Court in advance of Friday's pretrial conference, or instead if the Court would like to conduct Gross's initial appearance during Friday's pretrial conference. For the Court's reference, the Government anticipates that the parties will put forth an agreed-upon proposed bail package for the Court's consideration.

The undersigned are available to answer any questions the Court may have concerning the proceeding.

Because this letter discusses an indictment that remains under seal, the Government respectfully requests that if the Court dockets this letter, it be filed under seal until the S2 Indictment is unsealed.

The Court will conduct an arraignment and initial appearance for Defendant Trevon Gross at the March 4, 2016 status conference. The Government should have Mr. Gross presented before a Magistrate Judge, who shall make a bail determination, before the March 4 conference.
This Order, and the Government's March 1, 2016 letter, shall be filed under seal until the S2 Indictment is unsealed.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: [signature]
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Encl.

SO ORDERED: 3/2/16

[signature]
HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE